

2004 Page 1 of 18

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**UNITED STATES OF AMERICA,**

V.

1. RYAN MARTIN ,
2. NICHOLAS ZACCARO,
3. JONAH ADELMAN and
4. ENRICO BOTTA,

## Defendants

04 CR 10370 RGS  
CRIMINAL NO. 04-10370 RGS  
21 U.S.C. § 846 –  
Conspiracy to Distribute and to Possess with  
Intent to Distribute Oxycodone  
21 U.S.C. § 841(a)(1) and 18 U.S.C. §2  
Possession with Intent to Distribute and  
Distribution of Oxycodone  
18 U.S.C. § 1512(b)(3) – Tampering with a  
Witness  
21 U.S.C. § 853 –  
Criminal Forfeiture

## INDICTMENT

**COUNT ONE:** (21 U.S.C. § 846 – Conspiracy to Distribute Oxycodone)

The Grand Jury charges that:

From a time unknown to the Grand Jury, but at least by in or about August 2002 and continuing thereafter until in or about November 2004, at Boston and elsewhere in the District of Massachusetts,

1. RYAN MARTIN,
2. NICHOLAS ZACCARO,
3. JONAH ADELMAN and
4. ENRICO BOTTA.

the defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with other persons known and unknown to the Grand Jury to possess with intent to distribute and

to distribute oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO:**      **(21 U.S.C. § 841(a)(1)–Possession with Intent to Distribute and Distribution of Oxycodone and Aiding and Abetting Same)**

The Grand Jury further charges that:

In or about August 2004, in Waltham, in the District of Massachusetts,

**1. RYAN MARTIN**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute oxycodone, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**COUNT THREE:** (21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute and Distribution of Oxycodone and Aiding and Abetting Same)

The Grand Jury further charges that:

In or about October 2004, in Boston, in the District of Massachusetts,

**RYAN MARTIN**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute oxycodone, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**COUNT FOUR:** (21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute and Distribution of Oxycodone and Aiding and Abetting Same)

The Grand Jury charges that:

On or about November 16, 2004, in Boston, in the District of Massachusetts,

**NICHOLAS ZACCARO**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute oxycodone, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**COUNT FIVE:** (18 U.S.C. §1512(b) – Witness Tampering)

The Grand Jury charges that:

On or about October 31, 2004 and in or about November 2004, in Boston, Worcester and elsewhere, in the District of Massachusetts,

**1. RYAN MARTIN**

defendant herein, did knowingly and intentionally use intimidation, threaten and corruptly persuade another person, and attempt to do so, and engage in misleading conduct toward another person, with intent to hinder, delay and prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission and possible commission of a federal offense.

All in violation of Title 18, United States Code, Section 1512(b)(3).

**NOTICE OF ADDITIONAL FACTORS**

The Grand Jury further charges that:

1. As to the offenses charged in Counts One, Two and Three of this indictment and relevant conduct as described in USSG § 1B1.3, Defendant RYAN MARTIN is accountable for an amount of oxycodone which is the equivalent to at least 100 kilograms but not more than 400 kilograms of marijuana. Accordingly, USSG §2D1.1(c)(7) applies to this defendant.
2. As to the offense charged in Count One of this indictment and relevant conduct as described in USSG § 1B1.3, Defendant ENRICO BOTTA is accountable for an amount of oxycodone which is the equivalent to at least 100 kilograms but not more than 400 kilograms of marijuana. Accordingly, USSG § 2D1.1(c)(7) applies to this defendant.
3. As to the offense charged in Count One of this indictment and relevant conduct as described in USSG §1B1.3, Defendant JONAH ADELMAN is accountable for is responsible for an amount of oxycodone which is the equivalent to at least 100 kilograms but not more than 400 kilograms of marijuana. Accordingly, USSG §2D1.1(c)(7) applies to this defendant.
4. As to the offenses charged in Counts One and Four of this indictment and relevant conduct as described in USSG §1B1.3, Defendant NICHOLAS ZACCARO is accountable for an amount of oxycodone which is the equivalent to at least 100 kilograms but not more than 400 kilograms of marijuana. Accordingly, USSG §2D1.1(c)(7) applies to this defendant.
5. As to the offenses charged in Counts One, Two and Three of this indictment, Defendant RYAN MARTIN willfully obstructed and impeded and attempted to obstruct and impede the administration of justice during the course of the investigation, prosecution or sentencing of the instant offenses and the obstructive conduct related to the defendant's offenses and any relevant

conduct and any closely related offense. Accordingly, USSG §3C1.1 applies to this defendant.

**FORFEITURE ALLEGATION**  
**(21 U.S.C. § 853)**

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts One through Four of this Indictment,

- 1. RYAN MARTIN ,**
- 2. NICHOLAS ZACCARO,**
- 3. JONAH ADELMAN and**
- 4. ENRICO BOTTA,**

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants –

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

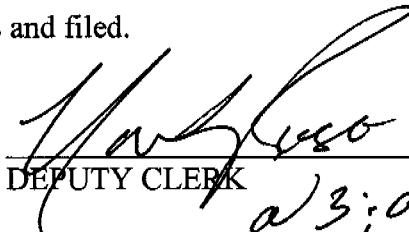
**A TRUE BILL**

  
\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

  
\_\_\_\_\_  
NANCY RUE  
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS; Dec. 15, 2004.

Returned into the District Court by the Grand Jurors and filed.

  
\_\_\_\_\_  
NANCY RUE  
DEPUTY CLERK  
a) 3:05 PM  
12/15/04

Criminal Case Cover Sheet **04 CR 10370 RGS** U.S. District Court - District of MassachusettsPlace of Offense: Massachusetts Category No. II Investigating Agency DEACity Boston

## Related Case Information:

County Suffolk

Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_

Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_

Magistrate Judge Case Number 04-0499; 527; 528; 530-RBC

Search Warrant Case Number \_\_\_\_\_

R 20/R 40 from District of \_\_\_\_\_

## Defendant Information:

Defendant Name Ryan Martin Juvenile  Yes  No

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Birth date (Year only): 1976 SSN (last 4 #): \_\_\_\_\_ Sex: m Race: w Nationality: USA

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

## U.S. Attorney Information:

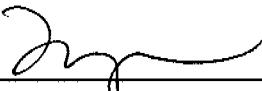
AUSA Nancy Rue Bar Number if applicable \_\_\_\_\_Interpreter:  Yes  No List language and/or dialect: \_\_\_\_\_Matter to be SEALED:  Yes  No Warrant Requested Regular Process In Custody

## Location Status:

Arrest Date: \_\_\_\_\_

 Already in Federal Custody as 11/24/04 in USMS . Already in State Custody \_\_\_\_\_  Serving Sentence  Awaiting Trial On Pretrial Release: Ordered by MJ Collings on \_\_\_\_\_Charging Document:  Complaint  Information  IndictmentTotal # of Counts:  Petty \_\_\_\_\_  Misdemeanor \_\_\_\_\_  Felony 4 \_\_\_\_\_

Continue on Page 2 for Entry of U.S.C. Citations

 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 12/15/04 Signature of AUSA: 

District Court Case Number (To be filled in by deputy clerk):

Name of Defendant Ryan Martin

## U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>841(a)(1) &amp; 846</u>	<u>conspiracy to distribute oxycodone</u>	<u>1</u>
Set 2 <u>841(a)(1)</u>	<u>distribution of oxycodone</u>	<u>2, 3</u>
Set 3 <u>18 USC 1512(b)(3)</u>	<u>obstruction of justice/threats to witness</u>	<u>5</u>
Set 4		
Set 5		
Set 6		
Set 7		
Set 8		
Set 9		
Set 10		
Set 11		
Set 12		
Set 13		
Set 14		
Set 15		

## ADDITIONAL INFORMATION:

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: Massachusetts Category No. II Investigating Agency DEACity Boston**Related Case Information:**County Suffolk

Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_

Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_

Magistrate Judge Case Number 04-0499; 527; 528; 530-RBC

Search Warrant Case Number \_\_\_\_\_

R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**Defendant Name Nicholas Zaccaro

Juvenile

 Yes No

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Birth date (Year only): 1980 SSN (last 4 #): 8720 Sex m Race: w Nationality: USA

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Nancy Rue Bar Number if applicable \_\_\_\_\_Interpreter:  Yes  No List language and/or dialect: \_\_\_\_\_Matter to be SEALED:  Yes  No Warrant Requested Regular Process In Custody**Location Status:**

Arrest Date: \_\_\_\_\_

 Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_. Already in State Custody \_\_\_\_\_  Serving Sentence  Awaiting Trial On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document:  Complaint  Information  IndictmentTotal # of Counts:  Petty \_\_\_\_\_  Misdemeanor \_\_\_\_\_  Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 12/15/04Signature of AUSA: [Signature]

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Nicholas Zaccaro**U.S.C. Citations**

<b>Index Key/Code</b>	<b>Description of Offense Charged</b>	<b>Count Numbers</b>
Set 1 <u>841(a)(1) &amp; 846</u>	<u>conspiracy to distribute oxycodone</u>	<u>1</u>
Set 2 <u>841(a)(1)</u>	<u>distribution of oxycodone</u>	<u>4</u>
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

**ADDITIONAL INFORMATION:**

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: Massachusetts Category No. II Investigating Agency DEACity Boston**Related Case Information:**County SuffolkSuperseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number 04-0499; 527; 528  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Jonah Adelman Juvenile  Yes  No

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Birth date (Year only): 1979 SSN (last 4 #): 2140 Sex m Race: w Nationality: USA

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

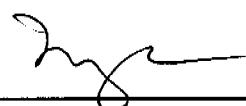
Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Nancy Rue Bar Number if applicable \_\_\_\_\_Interpreter:  Yes  No List language and/or dialect: \_\_\_\_\_Matter to be SEALED:  Yes  No Warrant Requested Regular Process In Custody**Location Status:**

Arrest Date: \_\_\_\_\_

 Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_. Already in State Custody \_\_\_\_\_  Serving Sentence  Awaiting Trial On Pretrial Release: Ordered by MJ Cohen on \_\_\_\_\_Charging Document:  Complaint  Information  IndictmentTotal # of Counts:  Petty \_\_\_\_\_  Misdemeanor \_\_\_\_\_  Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 12/15/04 Signature of AUSA: 

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Jonah Adelman

**U.S.C. Citations**

<b>Index Key/Code</b>	<b>Description of Offense Charged</b>	<b>Count Numbers</b>
Set 1 <u>841(a)(1) &amp; 846</u>	<u>conspiracy to distribute oxycodone</u>	<u>1</u>
Set 2 _____	_____	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
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Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

**ADDITIONAL INFORMATION:**

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**

Place of Offense: Massachusetts Category No. II Investigating Agency DEA

City Boston

**Related Case Information:**

County Suffolk

Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_

Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_

Magistrate Judge Case Number 04-0499; 527; 528; 530-RBC

Search Warrant Case Number \_\_\_\_\_

R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**

Defendant Name Enrico Botta Juvenile  Yes  No

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Birth date (Year only): 1979 SSN (last 4 #): 6162 Sex m Race: w Nationality: USA

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**

AUSA Nancy Rue Bar Number if applicable \_\_\_\_\_

Interpreter:  Yes  No List language and/or dialect: \_\_\_\_\_

Matter to be SEALED:  Yes  No

Warrant Requested

Regular Process

In Custody

**Location Status:**

Arrest Date: \_\_\_\_\_

Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_.

Already in State Custody \_\_\_\_\_  Serving Sentence  Awaiting Trial

On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_

Charging Document:  Complaint  Information  Indictment

Total # of Counts:  Petty \_\_\_\_\_  Misdemeanor \_\_\_\_\_  Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

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Date: 12/15/104 Signature of AUSA: [Signature]

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Enrico Botta

**U.S.C. Citations**

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>841(a)(1) &amp; 846</u>	<u>conspiracy to distribute oxycodone</u>	<u>1</u>
Set 2 _____	_____	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
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Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

**ADDITIONAL INFORMATION:**